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16 Attorneys for Plaintiff and Cross-Defendant,  
17 **PROTECTIVE OPTICS, INC.**

18 **UNITED STATES DISTRICT COURT**

19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

20 **SAN FRANCISCO DIVISION**

21 **PROTECTIVE OPTICS, INC.,**  
22 a California corporation

23 Case No. C05-02732 CRB

24 Plaintiff, see I fixed it

25 **STIPULATION AND [PROPOSED] ORDER**  
26 **GRANTING LEAVE FOR PROTECTIVE**  
27 **OPTICS, INC. TO SERVE ITS AMENDED**  
28 **FINAL INFRINGEMENT CONTENTIONS**

29 v.  
30 **PANOPTX INC.,**  
31 a California corporation

32 Judge: Hon. Charles R. Breyer  
33 [No Trial Date Set]

34 Defendant.

35 **AND RELATED CROSS-ACTION**

36 In connection with and in support of the Miscellaneous Administrative Request For Leave To  
37 Amend Its Final Infringement Contentions which is filed concurrently herewith and pursuant to  
38 Patent L.R. 3-7, and Civil L.R. 7-11 and 7-12, Plaintiff and Cross-Defendant Protective Optics, Inc.

1 and Defendant and Cross-Complainant Panoptx, Inc. (collectively, the "Parties"), by and through  
2 their undersigned attorneys, state and agree as follows:

3 Whereas, on November 17, 2006, the Court entered an Order extending the deadline for  
4 Protective Optics' final infringement contentions until January 8, 2007;

5 Whereas, Protective Optics served its final infringement contentions on January 8, 2007;

6 Whereas, the identification of certain Protective Optics products that practice the claimed  
7 invention under Patent Local Rule 3-1(f) was inadvertently not included in its Final Infringement  
8 Contentions;

9 Whereas, Protective Optics requests that the Court, for good cause, enter an order permitting  
10 Protective Optics to serve its amended final infringement contentions by January 19, 2007;

11 Whereas, Protective Optics' Amended Final Infringement Contentions will not unduly burden  
12 any party nor cause a delay in the trial of this case;

13 NOW THEREFORE, IT IS HEREBY STIPULATED by and between the Parties, subject to  
14 Court approval, as follows:

15 1. Protective Optics shall serve its amended final infringement contentions not later  
16 than January 19, 2007.

17 DATED: January 17, 2007. GREENBERG TRAURIG, LLP

19 By /s/ E. Patrick Ellisen

20 E. Patrick Ellisen  
Dan McCloskey  
Jong P. Hong

22 Attorneys for Plaintiff and Cross-Defendant,  
**PROTECTIVE OPTICS, INC.**

1 DATED: January 17, 2007

KRIEG, KELLER, SLOAN, REILLEY &  
2 ROMAN, LLP

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4 By: /s/ Michael Lisi  
5 Michael Lisi

6 Attorneys for Defendant and Cross-Complainant,  
7 **PANOPTX, INC.**

8 I, E. Patrick Ellisen, am the ECF User whose ID and password are being used to file this  
9 Stipulation and [Proposed] Order Granting Leave for Protective Optics, Inc. to Serve Its Amended  
10 Final Infringement Contentions. In compliance with General Order 45, X.B., I hereby attest that  
11 Michael Lisi has concurred in this filing.

12 Dated: January 17, 2007

13 By: /s/ E. Patrick Ellisen  
14 E. Patrick Ellisen

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

16 Date: January 19, 2007

